

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 8, 24, 27, 34-35 and 42 are amended without prejudice or disclaimer. Claims 7, 33 and 41 are cancelled without prejudice or disclaimer.

Rejection of Claims 1-5, 7-8, 24-31, 33-39, and 41-42 Under 35 U.S.C. §112

The Office Action rejects claims 1-5, 7-8, 24-31, 33-39, and 41-42 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Assignee thanks the Examiner for the discussion on the outstanding issues in this case. Assignee has amended each independent claim to address this issue. Inasmuch as page 2 of the Office Action suggests an official amendment that should be received, Assignee requests entry of this amendment after final under §1.116.

Specifically, the independent claims are amended to address this §112 rejection by aligning the claim language with the disclosure in the specification.

The concept in claim 1 of “encoding a gradually increasing amount of low priority frames as high priority frames” is amended to recite encoding “an additional number of frames as high priority frames than is dictated by a priority algorithm.” This language is quoted from page 11, lines 20-25, as indicated on page 5 of the Office Action. Therefore, this phrase has support in the specification.

Additionally, the phrase “wherein the additional high priority phrases are low priority frames having a high priority level added after encoding” is amended to recite “the additional high priority frames being encoded at a lower quality than is generally used for high priority frames. This uses the language in the specification also as page 11, lines 20-25, which states “these high priority frames may be encoded at a lower quality than is generally used high priority frames.”

The above limitations are provided to claims 1, 24, 27 and 35. Accordingly, each of these claims comply with 35 U.S.C. §112.

Additionally, claims 7, 33 and 41 have been cancelled without prejudice or disclaimer thus addressing the potential conflict identified on page 6 of the Office Action.

Accordingly, the present application is in condition for allowance.

CONCLUSION

Having addressed all rejections and objections, the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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